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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,401	10/31/2003	Barry Christopher Allyn	06576.105134 (MS #304406.	3285
45979 7590 01/18/2007 PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER BELOUSOV, ANDREY	
			ART UNIT 2112	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,401

Applicant(s)

ALLYN ET AL.

Examiner

Andrew Belousov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/31/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/03; 04/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of October 31, 2003. Claims 1-20 are pending and have been considered below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 7, 9, 11, 12, 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaehler et al. (U.S. Patent No. 5,515,496).

Claim 1: Kaehler discloses a computer method for providing tools for manipulating an object on a display device using a pointer comprising:

- a. displaying an object on a display device (col 7, line 65);
- b. determining if the object has been selected (selection by "simply placing the pointer over the display object") (col 7, line 67 – col 8, lines 2-3);
- c. displaying a first toolset (select box) if the object has been selected (col 7, line 67- col 8, line 2-3);
- d. determining if the pointer is stationary over the object (determination if the pointer is stationary over the select box ('any responsive unit that is adjacent to the object') is inherent for a "mouse over") (col 8, lines 2-3,); and

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- e. if the pointer is stationary over the object for a threshold length of time, displaying a second toolset (edit handles) (col 8, lines 4-8).

Claim 2: Kaehler discloses a computer method of Claim 1, wherein the step of displaying a second toolset comprises if the pointer is stationary over the object for a threshold length of time, displaying a second toolset while maintaining accessibility of the first toolset (Fig. 3, 31-39, 23).

Claim 6: Kaehler discloses a computer method of Claim 1, wherein the first toolset and the second toolset comprise handles (col 7, line 67- col 8, line 2-3 displays the "select box" handle; col 8, lines 4-8, "edit handles").

Claim 7: Kaehler discloses a computer method of Claim 1, wherein the first toolset and the second toolset comprise a first handle, and wherein the method further comprises the steps of:

- determining if a user interacts ("mousing over") the pointer with the first handle;
- and if the user interacts the pointer with the first handle, displaying a second handle ("edit handles") (col 8, lines 4-8).

Claim 9: Kaehler discloses a computer method for providing a handle for performing an operation on an object on a display device using a pointer comprising:

- a. displaying a first handle ("select box") for the object on the display device,
wherein the first handle is operative to receive first pointer input and to perform a first operation on the object on the basis of the first pointer input (col 7, line 67- col 8, line 2-3);
- b. determining if the pointer is over the first handle ("select box") (col 8, lines 2-3);
and
- c. if the pointer is over the first handle, displaying a second handle ("edit handles")
operative to receive second pointer input and to perform a second operation on the object on the basis of the second pointer input (col 8, lines 4-8).

Claim 11, 12, 19: Kaehler discloses a computer method of Claim 9, wherein the second operation comprises refining the first operation (first operation causes the display of editing handle (col 8, lines 4-8, "edit handles"); second refined operation is actually performing the editing function (col 6, 43-45)).

Claim 15: Kaehler discloses a computer-readable medium having computer-executable instructions for performing steps comprising:

- a. displaying a graphic on a display (col 7, line 65);
- b. displaying a pointer on the display (col 7, lines 47-48);
- e. displaying a first handle ("select box") operative to perform a first operation on the graphic (col 7, line 67- col 8, line 2-3);

f. and if the pointer is positioned over the graphic for a length of time, displaying a second handle ("edit handles") operative to perform a second operation on the graphic (col 8, lines 4-8).

While Kaehler doesn't explicitly show:

- c. identifying a position of the graphic on the display,
- and
- d. identifying a position of the pointer on the display;

it is inherent, given that in order to determine if the pointer is positioned over the graphic for a length of time (mouse over) Kaehler would have to identify the position of the graphic and the pointer on the display.

Claim 16: Kaehler discloses a computer-readable medium of Claim 15, wherein the step of displaying a first handle further comprises determining if the graphic changes from an unselected state to a selected state (by "simply placing the pointer over the display object" col 7, line 67- col 8, line 2-3) and displaying a first handle ("select box") operative to manipulate the graphic if the graphic is in the selected state (col 7, line 67 - col 8, line 2-3).

Claim 17: Kaehler discloses a computer-readable medium of Claim 15, wherein the step of displaying a second handle comprises if the pointer is positioned over the graphic ("select box", a 'responsive unit that is adjacent to the object') (col 7, line 67- col

8, line 2-3) and is stationary for a threshold length of time, displaying a second handle ("edit handles") operative to manipulate the graphic (col 8, lines 4-8).

Claim 18: Kaehler discloses a computer-readable medium of Claim 15, wherein the step of displaying a first handle comprises

- a. if the graphic changes from an unselected state to a selected state (col 7, line 67- col 8, line 2-3; by "simply placing the pointer over the display object"), displaying a first handle ("select box", col 7, line 67- col 8, line 2-3) operative to perform a first manipulation on the graphic, and
- b. wherein the step of displaying a second handle comprises if the pointer is positioned over the graphic for a threshold length of time ("mouse-over" col 8, lines 2-3), displaying a second handle (col 8, lines 4-8, "edit handles") operative to perform a second manipulation on the graphic.

3. Claims 1, 2, 4, 5, 9, 13, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rathbone (Windows® 95 For Dummies®, Copyright (c) 1995 IDG Books Worldwide, Inc.)

Claim 1: Rathbone discloses a computer method for providing tools for manipulating an object on a display device using a pointer comprising:

- a. displaying an object on a display device (page 87, para 2 - "Start");

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- b. determining if the object has been selected (depressed Start button) (Fig. 5-5, page 87);
- c. displaying a first toolset (Fig. 5-5, page 87; "Programs ... Shut Down" menu) if the object has been selected (depressed Start button);
- d. determining (highlighted "Programs" selection) if the pointer is stationary over the object ("Programs", 'a responsive unit that is adjacent to the object') (Fig. 5-5, page 87; paragraph 2); and
- e. if the pointer is stationary over the object for a threshold length of time, displaying a second toolset ("Accessories ... Windows Explorer" menu, page 87, Fig. 5-5).

Claim 2: Rathbone discloses a computer method of Claim 1, wherein the step of displaying a second toolset comprises if the pointer is stationary over the object for a threshold length of time, displaying a second toolset while maintaining accessibility of the first toolset (Fig. 5-5, page 87. Both are viewable/accessible).

Claim 4: Rathbone discloses a computer method of Claim 2, wherein the threshold length of time is a first threshold length of time and wherein the method further comprises the step of if the pointer is stationary over the object for a second threshold length of time, displaying a third tool set ("Games ... WordPad" menu, page 87, Fig. 5-5).

Claim 5: Rathbone discloses a computer method of Claim 4, further comprising the step of if the third toolset is displayed, maintaining availability of the first toolset and the second toolset (Fig. 5-5, page 87; all three are accessible/viewable.)

Claim 9: Rathbone discloses a computer method for providing a handle for performing an operation on an object on a display device using a pointer comprising:

- a. displaying a first handle ("Programs ... Shut Down") for the object on the display device, wherein the first handle is operative to receive first pointer input and to perform a first operation on the object on the basis of the first pointer input (Fig. 5-5, page 87);
- b. determining (highlighted "Programs" selection) if the pointer is over the first handle ("Programs" selection Fig. 5-5, page 87; paragraph 2); and
- c. if the pointer is over the first handle, displaying a second handle ("Accessories ... Windows Explorer" menu, page 87, Fig. 5-5) operative to receive second pointer input and to perform a second operation on the object on the basis of the second pointer input (Fig. 5-5, page 87).

Claim 13: Rathbone discloses a computer method of Claim 9, further comprising the steps of:

- determining if the pointer is stationary over the object; and
- if the pointer is stationary over the object for a predetermined length of time, displaying a third handle operative to perform a third operation on the object.

Claim 14: Rathbone discloses a computer method of Claim 9, further comprising the steps of:

- a. determining if the pointer is stationary over (hovering) the object (para 2, page 87);
- c. if the pointer is stationary over the object for a first threshold of time, displaying a third handle ("Games .. WordPad" handle) operative to perform a third operation on the object, (page 87, Fig. 5); and
- d. if the pointer is stationary over the object for a second threshold of time, displaying a fourth handle ("FreeCell .. Solitaire" handle) operative to perform a fourth operation on the object (page 87, Fig. 5-5).

While Rathbone does not explicitly disclose:

- b. if the pointer is stationary over the object, timing a length of time that the pointer is stationary over the object,

However, it is inherent in order to determine if the mouse pointer is hovering over the object (para 2, page 87)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rathbone.

Claim 3: Rathbone discloses a computer method of Claim 2 above, but does not explicitly disclose maintaining accessibility of the first toolset comprises repositioning the first toolset to provide space on the display device for the second toolset. Fig. 5-5 on page 87 shows the toolsets to be in separate non-overlapping areas. While it doesn't explicitly show that one of the handles was moved in order to make room for the second one. It would have been obvious to reposition them in order to achieve non-overlapping display of the handles as shown in Fig. 5-5, page 87.

6. Claim 8, 10, 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaehler in view of Isaacs et al. (U.S. Patent No. 6,426,745.)

Claim 8, 10, 20: Kaehler discloses computer method of Claim 1, 9, 19 above, but does not explicitly disclose that the displayed tools comprise of a rotation tool and then an axis rotation tool. Isaacs discloses a similar computer method with handles displayed for rotation (Fig. 17, 173, pair that are vertically displayed) and adjustment of axis (Fig. 17, 173, pair that are horizontally displayed). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have allow for

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rotation and axis of rotation type handle tools. One would have been motivated to allow for a more complete set of object manipulation tools, including rotation type, based on a suggestion in Isaacs (Col 7, line 28-31).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

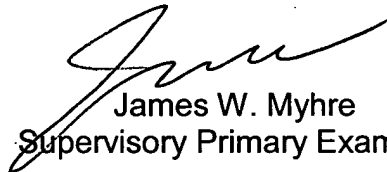
- a. Cooper, U.S. Patent No. 5,729,673
- b. Kreegar, U.S. Patent No. 5,396,590
- c. Orbanes, et al. U.S. Patent Application No. 20010045965
- d. Ingram, et al. U.S. Patent No. 6,925,496
- e. Weishut, et al. U.S. Patent No. 6,842,653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB
Dec 21, 2006


James W. Myhre
Supervisory Primary Examiner